

REMARKS

SPECIES ELECTION

The Communication maintains that the reply to the Restriction and Election of Species Requirement mailed on July 29, 2004, was not fully responsive, for three reasons. In particular, it was alleged that the 5th species was not elected; the specific zinc finger component required further election; and a summary of the claims to be searched was lacking. Applicants address the issues in turn.

FIFTH SPECIES

Applicants thank the Examiner for clarifying that the 5th species is to be selected from one of the species set forth in claim 43.

Accordingly, Applicants elect gamma-tocopherol methyl transferase (GMT), which reads on claims 42-49, with traverse.

It is to be understood that the election of species is for the purposes of preliminary search and examination only, and that upon allowance of a generic claim, applicants will be entitled to consideration of claims to the additional species.

ZINC FINGER COMPONENT

It was also maintained that the consensus sequences of claim 6-21 included a range of multiple species and that one species must be elected as between X_{2.4} and X_{1.7}.

Applicants traverse on the grounds that it would not be unduly burdensome to search the range of amino acid residues presented in the consensus sequence. There are search programs that allow searches to be conducted on sequences including variables. It would, therefore, not be burdensome to examine the zinc fingers presented in these claims together.

Nonetheless, Applicants elect with traverse, X₂ and X₃, respectively.

Again, it is to be understood that the election of species is for the purposes of preliminary search and examination only, and that upon allowance of a generic claim, applicants will be entitled to consideration of claims to the additional species.

CLAIM SUMMARY

Claims 1-28 and 30-52 are pending. As noted in the Response filed July 29, 2004, restriction has between Groups II and III has been rendered moot, accordingly, the subject matter of claims 2-32 and 39-41 should be searched and examined based on the

following elections of species:

DNA target sequence (which reads on claims 2, 4, 6-28 and 30-52); a zinc finger component comprising X₃-Cys-X₂-Cys-X₁₂-His-X₃-Z-X₄ (which reads on claims 1-6, 10, 22-28 and 30-52); target located in plant cell (which reads on claims 1-22, 25-28, 30-49 and 52); an activation domain, particularly maize C1, (which reads on claims 1-28, 30-33, 36, 37, 39-43, 46, 47 and 49-52); and GMT (which reads on claims 1-28 and 30-52).

Additionally, if the Restriction Requirement as between Groups I/II and Group III is withdrawn for the reasons previously set forth, pending claims 2-28 and 30-52 should be searched and examined, based on the election of species set forth previously and above.

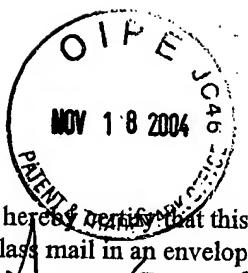
Applicants expressly reserve their right under 35 USC §121 to file one or more divisional applications directed to any nonelected subject matter during the pendency of this application.

Respectfully submitted,

Date: November 15, 2004

By: 
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Atty Dkt No. 8325-0025
S25-US1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on
September 29, 2003
9/29/03 Dahna S. Pasternak
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

REBAR et al.

Serial No.: 10/055,711

Group Art Unit: 1645

Filing Date: January 22, 2002

Examiner: Unassigned

Title: **MODIFIED ZINC FINGER BINDING PROTEINS**

COMMUNICATION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a copy of a document showing Roberta L. Robins, Reg. No. 33,208, and Dahna S. Pasternak, Reg. No. 41,411, have Power of Attorney in the above-referenced case.

Respectfully submitted,

Date: 9/26/03

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Atty Dkt No. 8325-0025
Client No. S25-US1
PATENT

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4/24/02 Susan LaMont
Date Signature

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

REBAR et al. Confirmation No.: 6236

Serial No.: 10/055,711 Group Art Unit: 1645

Filing Date: January 22, 2002 Examiner: Unassigned

Title: MODIFIED ZINC FINGER BINDING PROTEINS

POWER OF ATTORNEY BY ASSIGNEE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

SANGAMO BIOSCIENCES, INC., assignee of the above-identified application by assignment (copy attached), hereby appoints Sean Brennan, Ph.D., Reg. No. 39,917; Roberta L. Robins, Reg. No. 33,208; Dahna S. Pasternak, Reg. No. 41,411; Gary R. Fabian, Ph.D., Reg. No. 33,875 and Narinder S. Banait, Reg. No. 43,482 as its attorneys/agents with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

Atty Dkt No. 8325-0025
USSN: 10/055,711
PATENT

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Date: 4-19-02


SANGAMO BIOSCIENCES, INC.

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